

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ERNEST L. MOORER,

Plaintiff,

v.

Case No.07-C-1055

UNITED STATES DISTRICT COURT, et al.

Defendants.

MEMORANDUM AND ORDER

Plaintiff Moorer, who is proceeding pro se, lodged a civil complaint naming the United States District Court as the defendant. In the body of his complaint form, he also lists as defendants the U.S. Navy, Department of Veterans Affairs, the State Department of Corrections, Richard Artison, John Husz and Judge Patrick J. Madden. It is unclear whether he intends to name these parties as defendants in this lawsuit, or whether instead they are merely listed as having been defendants in previous lawsuits brought by the plaintiff. (There are at least 12 previous lawsuits in this district.)

Plaintiff has also filed a motion to proceed *in forma pauperis*. 28 U.S.C. § 1915. Under § 1915(e)(2), I maintain a duty to determine at the outset whether the complaint is frivolous or fails to state a claim on which relief may be granted. Plaintiff asserts that sometime around 2005 he was part of a class action lawsuit against one or more drug companies. He states that his participation in that lawsuit required him to notify the Eastern District of Wisconsin federal court. He believes, however, he was not “protected” by this court and asks whether or not this court received his notice.

For relief, he states that he wants answers to his questions about legal matters and regulatory policies.

The complaint must be dismissed for failure to state a claim upon which relief may be granted. Courts are forbidden from issuing advisory opinions – that is, opinions on issues where there is not a case or controversy between two or more parties. *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975). Thus, not only is the court unfamiliar with the particulars of the plaintiff's current question, it is precluded from issuing any advisory guidance to the plaintiff as to the matters he has raised. Accordingly, the complaint must be dismissed.

Plaintiff's motion to proceed *in forma pauperis* is **GRANTED** (i.e., the filing fee is waived), but the complaint is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

SO ORDERED this 30th day of November, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge